

SENATE BILL NO. 43

INTRODUCED BY COONEY, LIND

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING A VIOLATION OF THE REQUIREMENT TO WEAR A SEATBELT A STANDARD VIOLATION BY REMOVING THE PROVISION PROHIBITING LAW ENFORCEMENT FROM STOPPING A DRIVER FOR THE VIOLATION; REQUIRING THAT CITATIONS OR NOTICES TO APPEAR BE ISSUED TO ADULT PASSENGERS WHO ARE IN VIOLATION RATHER THAN TO THE DRIVER; AND AMENDING SECTION 61-13-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle, as defined in 61-1-105, or a motor-driven cycle, as defined in 61-1-106;

(d) an occupant of a vehicle licensed as special mobile equipment as defined in 61-1-104; ~~or~~

(e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may be exempted by the department; OR

(F) AN OCCUPANT OF A MOTOR VEHICLE THAT IS NOT REQUIRED TO BE EQUIPPED WITH SAFETY BELTS UNDER 61-9-409.

(3) The department may adopt rules to implement subsection (2)(e).

~~(4) The department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law.~~

1 (4) IF AN ADULT PASSENGER IS NOT WEARING A PROPERLY ADJUSTED AND FASTENED SEATBELT AS REQUIRED
2 BY THIS SECTION AND A CITATION OR NOTICE TO APPEAR IS ISSUED ALLEGING A VIOLATION OF THIS SECTION, THE CITATION
3 OR NOTICE TO APPEAR MUST BE ISSUED TO THE ADULT PASSENGER, NOT THE DRIVER."

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